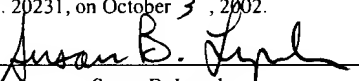


PATENT
Docket No. 240042052403

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on October 3, 2002.


Susan B. Lynch

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 20 2004

In the application of:

Jeffrey S. Glenn

Serial No.: 09/687,267

Filing Date: October 13, 2000

For: METHOD FOR INHIBITION OF VIRAL
MORPHOGENESIS

Examiner: B. Brumback

Group Art Unit: 1642

TECH CENTER 1600/2900

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OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF USPTO'S PATENT TERM ADJUSTMENT
DETERMINATION UNDER 35 U.S.C. § 154(b)(3)(B)(ii)

Assistant Commissioner for Patents
Washington, D.C. 20231

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MAY 17 2006

OFFICE OF PETITIONS

Dear Sir:

This is in response to the Notification of Patent Term Adjustment which accompanied the Notice of Allowance mailed September 10, 2002, in the above referenced application. This request for reconsideration is being filed prior to the payment of the issue fee and is accompanied by the fee as set forth in § 1.18(e).

Applicant is seeking reconsideration of the patent term adjustment reducing the patent term by 96 days. Specifically, the Office mailed an Office Communication to an incorrect address. The Office subsequently re-mailed the Office Communication and restarted the period for response. However, this was not taken into consideration in determining the patent term adjustment.

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Analysis

Applicant filed a Change of Address notification to the Office on December 1, 2000 (Exhibit 1). The date-stamped post card shows that the Office received this notification on December 6, 2000 (Exhibit 2). The Office subsequently mailed an Office Communication on August 1, 2001, to an incorrect address, which was remailed December 5, 2001 (Exhibit 3). By re-mailing this Office Communication, the Office restarted the period for response from December 5, 2001 to March 5, 2002, without a reduction of patent term pursuant to 37 C.F.R. § 1.704(b). Applicant replied to the Office Communication mailed December 5, 2001, on February 5, 2002, within the three month period for response (Exhibit 4). It is the period from November 1, 2001 (the original response due date before the period for response was restarted), to February 5, 2001, that the Office has incorrectly calculated the patent term adjustment of 96 days. The Office should have considered the Applicant's February 5, 2001 reply timely as the period for response was restarted from December 5, 2000.

Conclusions

Hence, Applicant respectfully requests reconsideration of USPTO's patent term adjustment determination under 35 U.S.C. 154(b)(3)(B)(ii) and requests that the patent term adjustment be changed to 97 days due to the USPTO's delays in prosecution and 0 days due to Applicant's failure to reply to any Office action or notice within three months. Applicants' representative authorizes the Assistant Commissioner to charge the fee for filing this request for reconsideration pursuant to 37 C.F.R. § 1.18(e) to **Deposit Account No. 03-1952** referencing docket no. **240042052403**.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this

document to Deposit Account No. 03-1952 referencing docket no. 240042052403. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 3, 2002

By: 

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Registration No. 43,543

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